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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,195	06/19/2006	Yoshiyuki Sasaki	R2184.0486/P486	7043
24998 7590 09/30/2009 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER CHU, KIM KWOK				
ART UNIT 2627		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,195

Applicant(s)

SASAKI, YOSHIYUKI

Examiner

Kim-Kwok CHU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-Amendment filed on 3/31/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Drawings Objection

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features "a first direction" and "a second direction" as in Claims 39, 40, 42, 56, 57, 59, 88, 89 and 91 must be shown or the features canceled from the claims. No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 39-108 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 39, lines 5 and 6, the phrase "first addresses continuously increasing in a first direction," is vague. First, it is not clear whether increasing the addresses means increasing the numerical values of addresses or increasing the number of addresses. Furthermore, it is not clear what is a "first direction" which causes the increase of addresses.

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Regarding Claim 39, lines 6 and 7, the phrase "second addresses continuously increasing in a second direction," is vague. First, it is not clear whether increasing the addresses means increasing the numerical values of addresses or increasing the number of addresses. Furthermore, it is not clear what is a "second direction" which causes the increase of addresses.

Regarding Claim 39, second last line, the phrase "highest address" is vague because there is no lowest address being claimed.

Similarly, in each of Claims 40, 42, 56, 57, 59, 88, 89 and 91, the phrases "first addresses continuously increasing in a first direction," "second addresses continuously increasing in a second direction," and "highest address" are not clear as explained above.

The claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claims.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

5. Claims 39, 40, 42, 56, 57, 59, 88, 89 and 91 are rejected under 35 U.S.C. § 102(e) as being anticipated by Suh (U.S. Patent 7,260,039).

6. Ando teaches a recording method for recording information to a rewritable information recording medium having all the steps as cited in claim 39. For example, Ando teaches the following:

Regarding Claim 39, the rewritable information recording medium 200 (Fig. 3; Blu-ray dual layer) having at least a first recording layer 0 (Fig. 3) provided with a first data area (user data area) having a plurality of first addresses (inherent feature where addresses such as LVA, DMA are management information for storing data in the data area) allocated thereto and a second recording layer 1 (Fig. 3) provided with a second data area having a plurality of second addresses (Fig. 5; LVA)

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allocated thereto, the plurality of first addresses of the first data area continuously increasing in a first direction (Fig. 5; addresses are arranged in the recording layer direction), the plurality of second addresses of the second data area continuously increasing in a second direction opposite (Fig. 4; layer 1 has addresses accessed opposite to the first layer 0) to the first direction, the recording method comprising a step of: recording end recorded area information (Figs. 4 and 5; lead-out information) to the information recording medium, the end recorded area information including the highest address of unrecorded area in the second data area (Fig. 5; LVA).

7. Claims 40 and 42 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

8. Apparatus claims 56, 57 and 59 are drawn to the apparatus corresponding to the method of using same as claimed in claim 39. Therefore apparatus claims 56, 57 and 59 correspond to method claim 39, and are rejected for the same reasons of anticipation as used above.

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9. Apparatus claims 88, 89 and 91 are drawn to the apparatus corresponding to the method of using same as claimed in claim 39. Therefore apparatus claims 88, 89 and 91 correspond to method claim 39, and are rejected for the same reasons of anticipation as used above.

Allowable Subject Matter

10. Claims 41, 43-55, 58, 60-87, 90 and 92-108 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627
September 27, 2009
(571) 272-7585

/HOA T NGUYEN/
Supervisory Patent Examiner, Art Unit 2627